

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-13713-B

KENNETH BRYANT,

versus

UNITED STATES OF AMERICA,

Petitioner-Appellant,

Respondent-Appellee.

Appeal from the United States District Court for the  
Middle District of Alabama

ORDER:

To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of an underlying claim and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000). Because appellant has failed to make the requisite showing, the motion for a certificate of appealability, as construed from the notice of appeal, is DENIED. See Hill v. Hopper, 112 F.3d 1088, 1089 (11th Cir. 1997).

Appellant's motion for leave to proceed on appeal in forma pauperis is DENIED AS MOOT.

A. Todd Gage - Attorney at Law  
Clerk, U.S. Court of Appeals  
Eleventh Circuit

By: Carolyn Magers  
Deputy Clerk  
Atlanta, Georgia

/s/ Susan H. Black  
UNITED STATES CIRCUIT JUDGE

